

# OREGON STATE BAR

## Board of Governors Agenda

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**Meeting Date:** April 12, 2019  
**From:** Amber Hollister, General Counsel  
**Re:** CSF Claim No. 2018-84 Deveny (Burk)

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### Action Requested

Consider Client Security Fund Committee's recommendation that the board grant claimant Kimberlee Jo Burk's claim of \$20,000 in the matter of CSF Claim No. 2018-84 Deveny (Burk).

### Discussion

On March 31, 2016, Ms. Burk retained Ms. Deveny to represent her on three separate MVA claims that occurred in 2014, 2015 and 2016. She agreed to a contingent fee agreement, in which Ms. Deveny was to receive one-third of the settlement.

Ms. Deveny settled all three cases as follows:

1. MVA on 12/10/14 – settled for \$15,000 prior to 5/19/17
2. MVA on 3/27/15 – settled with Allstate for \$25,000 on 11/8/18
3. MVA on 2/19/16 – settled with State Farm for \$5,000 on 8/10/17

Ms. Burk received \$12,000 in settlement for the first MVA, but she did not receive any settlement amount for the 2015 and 2016 MVAs. Accordingly, the investigator calculated her loss as \$20,000 (2/3 of \$30,000).

Ms. Deveny resigned Form B, effective July 26, 2018, while numerous disciplinary cases were pending. A day later, on July 27, 2018, Ms. Deveny asked Ms. Burk to come to her office to sign a release in the 2015 MVA. She did so and never received any of the settlement funds.

Ms. Burk reports she is working with the Portland Police Department regarding Ms. Deveny's alleged theft.

At its March 2018 meeting, the Client Security Fund Committee reviewed Ms. Burk's claim and unanimously voted to recommend that the Board reimburse her for \$20,000 of her loss. Ms. Burk's claim would not ordinarily be eligible for reimbursement at this time, pursuant CSF Rule 2.1.6, because Ms. Deveny has not been found guilty of a crime and Ms. Burk has not obtained a civil judgment against her. The Committee, however, voted to waive the requirement of CSF Rule 2.1.6 based on extreme hardship under CSF Rule 2.6, based upon her circumstances and the available evidence.

Staff recommends that the board approve the claim, consistent with the CSF Committee's recommendation.